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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,338	01/09/2004	Morimichi Watanabe	246924US3 DIV	7108
22850 7590 01/18/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER GILBERT, WILLIAM V	
			ART UNIT 3635	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/753,338

Applicant(s)

WATANABE, MORIMICHI

Examiner

William V. Gilbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) 24,31 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25-30, 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a Final Rejection. Applicant cancelled Claims 1-20. Claims 21-36 are pending and examined as set forth below.

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant makes the argument that the Prior art of record does not teach all the Claim limitations in the New Claims; however, Applicant provides no argument addressing the original Claims 1-20. Examiner agrees with Applicant and a new ground of rejection is made and is Final.

Election/Restrictions

2. Newly submitted claims 24, 31 and 36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: each claim has an engaging notch that is stepped and an engaging groove that is rectangular, where the original claims resulted from an election corresponding to Figures 1-10, which has the engaging groove and engaging notch as angled, not rectangular. See Action dated 20 April 2006.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24, 31 and 36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. Claim 32 is objected to because of the following informalities: possible misspelled word "thee" Claim 32, line 16. Examiner believes Applicant intended "the". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 21-23, 25-30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (U.S. Patent No. 6,460,311) in view of Hanlon et al (U.S. Patent No. 4,366,197).

Claim 21: Ito discloses a ceramic siding board (40; Column 6, lines 42-45), having an upper side portion (Figure 8, element 26) extending in a widthwise direction of the board, a front surface (40A), a rear surface (23A), a lower side portion (area proximate 45a) with a stepped portion (proximate 45a) extending uniformly in a width wise direction, the rear surface has an engaging groove (proximate 26c), a first lateral side with an overlying tongue (Figure 11, element S2), a second side with an underlying tongue (Figure 11, element S2), the upper side portion has an engaging notch (Figure 8, proximate 26b) and the engaging groove can engage a fastening member (26). Ito does not disclose the front surface having vertical joint grooves nor the front surface is divided into plural areas of different widths and heights that would form a lower side portion with different height and width boundaries. Hanlon discloses a wall panel (Figure 5) with vertical grooves (grooves are between elements 30) dividing the plural areas with different widths and heights (Figure 5, generally), which would result in the lower surface (72) having different heights. It would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to make the aesthetic modification of the panel in Hanlon with the with the panel in Ito for aesthetic purposes to simulate individual panels.

Claim 22: the upper end surface (26) and engaging groove (26c) extend uniformly in a widthwise direction.

Claim 23: the engaging notch (26b) and engaging groove (26c) have angled surfaces.

Claim 25: Ito discloses a plurality of ceramic boards (40A, 40B) installed into a framework (proximate 62), where the lower side portion (proximate 45a) of upper siding overlap the front of the upper side of lower siding (proximate 45a), the upper side portion (proximate 26) extends uniformly in a widthwise direction, the lower side has a rear surface stepped portion (proximate 26b) with an engaging groove (26c), a first lateral side with an overlying tongue (Figure 11, element S2), a second side with an underlying tongue (Figure 11, element S2), the upper side portion has an engaging notch (Figure 8, proximate 26b), a plurality of fastening members (26) having upper board engaging portions (26c) and lower board engaging portions (26b) and the engaging groove and engaging notch engage with the fastening member (26). Ito does not disclose the front surface having vertical joint grooves and the front surface is divided into plural areas of different widths and heights that would

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form a lower side portion with different height and width boundaries. Hanlon discloses a wall panel (Figure 5) with vertical grooves (grooves are between elements 30) dividing the plural areas with different widths and heights (Figure 5, generally), which would result in the lower surface (72) having different heights. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the aesthetic modification of the panel in Hanlon with the panel in Ito for aesthetic purposes to simulate individual panels.

Claim 26: the upper side portion of the lower siding board (44A) is disposed at the rear surface stepped portion (26b) of the lower side portion.

Claim 27: each fastening member has a base plate (28b), a supporting portion rising from the base plate (26), the upper board engaging portion (26c) is upwardly bent from a front end of the supporting portion, and the lower board engaging portion (26b) is downwardly bent from the front end, and at least one oblique angle (26, 26c) is among the supporting portion and upper board engaging portion.

Claim 28: Ito in view of Hanlon discloses the clapboard installed at an inclined state with the vertical joint grooves (Hanlon, Figure 5, groove between elements 30) of an upper board

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laterally shifted (Figure 5, generally) in relation to a lower board.

Claim 29: Ito discloses the upper end surface (44A) extends uniformly in a widthwise direction, and the engaging groove (26c) extends uniformly in a widthwise direction.

Claim 30: the engaging notch (26b) is an angled surface, and the engaging groove (26c) is an angled surface.

Claim 32: Ito discloses a ceramic siding board (40; Column 6, lines 42-45), having rear, front, upper and lower faces where the upper face has a notched portion (26b) and the upper face extends uniformly in a widthwise direction, a lower face with a stepped portion (45a) extending uniformly in a widthwise direction, a left face with an overlying tongue (Figure 11, element S2) and a right face with an underlying tongue (S2). Ito does not disclose the front surface having vertical joint grooves and the front surface is divided into plural areas of different widths and heights that would form a lower side portion with different height and width boundaries. Hanlon discloses a wall panel (Figure 5) with vertical grooves (grooves are between elements 30) dividing the plural areas with different widths and heights (Figure 5, generally), which would result in the lower surface (72) having different heights. It would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to make the aesthetic modification of the panel in Hanlon with the with the panel in Ito for aesthetic purposes to simulate individual panels.

Claim 33: the notch portion (26b) and the stepped portion (26c) are configured to contact fasteners.

Claim 34: the stepped portion (45a) has an upper end surface (26) and engaging groove (26c) formed by notching the upper end surface.

Claim 35: the notched portion (26b) is an angled surface and the engaging groove (26c) is an angled surface.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571.272.6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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